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Attorneys for Defendant
Minnesota Life Insurance Company,
erroneously sued as Minnesota Mutual Life
Insurance Company

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALLEN WALL,

Plaintiff,

vs.

MINNESOTA MUTUAL LIFE INSURANCE
COMPANY,

Defendant.

Case No. CIV.S-04-1314 WBS DAD

**STIPULATION AND [PROPOSED] ORDER
FOR DISMISSAL WITH PREJUDICE**

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1 IT IS HEREBY STIPULATED by and between plaintiff Allen Wall and defendant
2 Minnesota Life Insurance Company, erroneously sued as Minnesota Mutual Life Insurance
3 Company, through their designated counsel that the above-captioned action be and hereby is
4 dismissed with prejudice pursuant to FRCP 41 (a)(1).

5
6 The parties shall each bear their own costs and attorney fees.

7
8 DATED: September 14, 2005.

9 By /s/ James L. Bianchi

10 James L. Bianchi

11 Attorneys for Plaintiff Allen Wall

12
13 DATED: September 23, 2005.

14 REED SMITH LLP

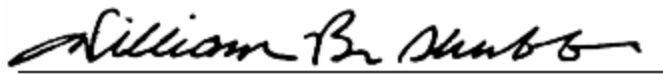
15
16 By /s/ Eugenia S. Chern

17 Eugenia S. Chern

18 Attorneys for Defendant
19 Minnesota Life Insurance Company, erroneously
20 sued as Minnesota Mutual Life Insurance Company

21 IT IS SO ORDERED.

22
23 Dated: September 26, 2005

24 

25 WILLIAM B. SHUBB

26 UNITED STATES DISTRICT JUDGE